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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 JUSTIN NOEL BURNS,

10 Petitioner,

11 vs.

12 SHERIFF LUMBARDO, *et al.*,

13 Respondents.  
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)  
)  
) 2:15-cv-01835-GMN-VCF  
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**ORDER**

15 On October 1, 2015, this court entered an order directing petitioner, Justin Noel Burns, to  
16 show cause why his habeas petition should not be dismissed without prejudice as a wholly  
17 unexhausted petition and a petition barred under the abstention doctrine in *Younger v. Harris*, 401  
18 U.S. 37 (1971). ECF No. 6. Burns has filed his response to that order. ECF No. 10.

19 With that response, Burns thanks the court for bringing the abstention doctrine to his  
20 attention and informs the court that he has petitioned the state district court for habeas relief. He  
21 offers no reason why this action should not be dismissed.

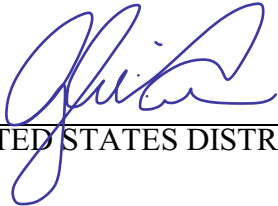
22 **IT IS THEREFORE ORDERED** that the petition for a writ of habeas corpus (ECF No. 1)  
23 is DISMISSED without prejudice.

24 **IT FURTHER IS ORDERED** that a certificate of appealability is DENIED, as jurists of  
25 reason would not find the court's dismissal of this action to be debatable or incorrect.  
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1           **IT FURTHER IS ORDERED** that the Clerk of Court shall enter judgment accordingly and  
2 close this case.

3           **IT IS FURTHER ORDERED** that petitioner's motion to quash return summons (ECF No.  
4 9) is DENIED as moot.

5           Dated this 21 day of October, 2015.

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9 UNITED STATES DISTRICT JUDGE  
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